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**From:** Palmer, Leif [Palmer.Leif@epa.gov]  
**Sent:** 10/24/2018 10:05:19 PM  
**To:** Glenn, Trey [Glenn.Trey@epa.gov]  
**CC:** Walker, Mary [walker.mary@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]  
**Subject:** FW: proposed responses to FDEP's assumption questions  
**Attachments:** proposed responses to FDEP questions asked Oct 19-22.docx

**Importance:** High

Trey – Matt has worked with the Water Division to work out responses to FDEP's latest questions. He has also talked with OGC staff and we think it is time to elevate these responses to Fatouhi and Leopold. OGC staff attorneys have outlined our proposed approach but we wanted to give you a chance to weigh in before I send them up the chain. We are trying to move quickly since resolving these issues will (hopefully) be the last questions they pose.

Let me know if you want to discuss; if you send an email please cc Mita and Matt so we can respond as quickly as possible.

Matt's email below provides context.

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**From:** Hicks, Matt  
**Sent:** Tuesday, October 23, 2018 5:51 PM  
**To:** Palmer, Leif <Palmer.Leif@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** FW: proposed responses to FDEP's assumption questions  
**Importance:** High

Leif,

Here's EPA's proposed response to the two recent questions we received from DEP on Friday. These proposed responses were generated by the Region 4 team (Tom McGill level) after consulting with Simma (both issues) and Alexis (mitigation issue only) at OGC. DEP is waiting to hear from us before moving forward with their rulemaking so time is of the essence. More internal discussion is needed on the issue of **Ex. 5 Deliberative Process (DP)** into EPA's Federal Register notice approving the state's program but that issue is not as time critical as the two below.

**Ex. 5 AC/DP**

# Ex. 5 AC/DP

Please call me if you'd like to discuss further.

Thanks,

Matt

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**From:** McGill, Thomas

**Sent:** Tuesday, October 23, 2018 5:10 PM

**To:** Zapata, Cesar <[Zapata.Cesar@epa.gov](mailto:Zapata.Cesar@epa.gov)>

**Cc:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Allenbach, Becky <[Allenbach.Becky@epa.gov](mailto:Allenbach.Becky@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Parker, Christopher <[Parker.Christopher@epa.gov](mailto:Parker.Christopher@epa.gov)>

**Subject:** proposed responses to FDEP's assumption questions

**Importance:** High

Cesar,

As a follow-up to our conversation yesterday, FDEP would appreciate EPA's quick feedback on questions they asked during calls held with some of EPA's assumption team members on Oct 19 and 22<sup>nd</sup>. You'll recall that I forwarded you an email from Matt Hicks on Oct 19 regarding their basic questions, and we received additional clarification with FDEP staff in a call held on Oct 22. We understand that FDEP is awaiting EPA's feedback prior to proceeding with their Notice of Proposed Rulemaking and that FDEP would prefer EPA's feedback through a conversation instead of in writing.

Attached is a document drafted by the EPA Assumption Team that includes: (1) FDEP's questions (highlighted in blue text); (2) proposed EPA responses (highlighted in yellow text); and (3) other information to provide background/context for FDEP's questions and/or the proposed responses. We would appreciate feedback from the RA and the senior leaders at OGC/OW as quickly as they can provide it before responding to FDEP.

If you have any questions or need any additional information please let us know.

Thanks.

Tom